

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF NORTH CAROLINA



MAJOR BOYD WHITLEY

Plaintiff,

v.

Civil Action No. 1:19CV358

RESPONSE TO Defendant's

SHERIFF VAN SHAW, et al.

Defendant

: RESPONSE TO Motion for

: DEFAULT JUDGMENT

!

IN And for the record

I MAJOR BOYD WHITLEY in propria person sui juris do appear specially and not generally. I did reach majority and do state the following as true under penalty of perjury:

1. I am a natural person.

2. MAJOR BOYD WHITLEY is a legal corporate entity.

3. I can believe that men and women did create government to include this court to protect the property of men and women. I believe this court is free for use toward the protection of my property. Any man or woman who believe my belief untrue must state so in writing and be prepared to say so in open court under oath and affirmation.

4. Every person who, under color of any statute, ordinance, regulation, custom, or usage, or cause to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

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2. Under United States Constitution or laws citizens have rights to worship God according to dictates of his or hers own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men. [86]; See The due process clause of the Fourteenth Amendment. The Supreme Court has subsequently held that most provisions of the Bill of Rights apply to the states through the Due Process clause of the fourteenth amendment under a doctrine called "incorporation." [80]

3. In *Poe v. Ullman* (1961), dissenting, Judge John Marshall Harlan II adopted a broad view of the "liberty" protected by the fourteenth amendment due process clause: The full scope of the liberty guaranteed by Due Process cannot be found in or limited by the precise terms of the specific guarantees elsewhere provided in Constitution. This "liberty" is not a series of isolated points pricked out in terms of the taking of property; the freedom of speech, press, and religion; the right to keep and bear arms; the freedom from unreasonable searches and seizures; and so on. [It is a rational continuum which, broadly speaking, includes a freedom from all substantial arbitrary impositions and purposeless restraints and which also recognizes, what a reasonable and sensitive judgment must, that certain interests require particularly careful scrutiny of the state's need asserted to justify their abridgment. [93]

7. Titles (etc) 18 U.S. Codes/241 Conspiracy against rights/242 deprivation of rights/242 - Deprivation of rights under colorable Law.

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\* AFFIDAVIT \*

\* TO SUPPORT RESPONSE \*

1. United States Marshal did obtains service, the defendants was serve summons on 7-1-19 see document-10. Defendants fail respond in time provided by Fed. R. Civ. P. 12 (a) (2) or (3), Also plaintiff was never serve by defendants document 15 answer to Complaint. The Defendants Counsel's assistant never serve plaintiff a copy of the extension the court did. Plaintiff have has however had a chance to review Defendants response to Plaintiff motion for default judgment, And Defendants Counsel alleged that Plaintiff has not shown no vaild claim against defendants let the record "reflect" document-2. Complaint Plaintiff filed with supporting copies of Exhibit of general grievances and request's states clearly how Defendants violated Plaintiff citizen rights to practice his personal religious preferensess to worship God according to dictates of his own conscience. See *Lovell v. Lee*, 472 F.3d 174, 187 (4th Cir Va. 2006). Plaintiff respectfully request the court to grant both document-2 complaint, and document-13, Motion entitled requirement motion to demand, relief in the complaint.

Respectfully submitted /s/ Major Whitley. Date 9-9-2019.

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